

REMARKS/ARGUMENTS

The Office Action mailed April 3, 2009 has been carefully reviewed and these remarks are responsive to that Office Action. Reconsideration and allowance of this application are respectfully requested. Claims 1, 3-7, 14-17, and 20-30 are pending in this application. Claims 1 and 14 have been amended and claims 29-30 have been added. No new matter has been added to the application. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

Rejections under 35 USC §103

Claims 1, 6-7, 14-15, 20 are rejected under 35 USC §103(a) as being unpatentable over Tamura (US 2003/0048380), hereinafter referred to as Tamura, and further in view of Headings (US 2002/0143565), hereinafter referred to as Headings.

Independent claim 1 recites, *inter alia*:

receiving eSTB IP provisioning requests from eSTBs provided by at least two different vendors through a signaling pathway that uses a firewall to separate a management network from a data network housing the NPU, the eSTB IP provisioning requests outputted according to a first protocol;

Neither Tamura nor Headings, alone or in combination, teach or suggest at least this feature of claim 1. On page 3, the Office Action alleges that Headings teaches “a signaling pathway that uses a firewall to separate a management network from a data network housing the NPU.” The Office Action also cites paragraph 49 of Headings in making this allegation. As correctly noted in the Office Action, Headings does describe a system for distributing digital media from various content suppliers (See Office Action on page 3.). While paragraph 49 of Headings does state that “a firewall 152 may be used between service platform 108 and client platforms 150 to prevent unauthorized access to or from service platform 108,” the firewall of Headings merely serves as a barrier between a client and a content supplier and thus does not “separate a management network from a data network housing the NPU,” as claimed. The Office Action tries to suggest that the service platform of Headings is equivalent to an NPU and client platforms (e.g., set top boxes) in Headings are equivalent to a management network. However, the management network of claim 1 serves to “control, provision, manage, and secure”

customer premises equipment such as set-top boxes (See page 3 of the specification.). Therefore, the management network of claim 1 cannot be equivalent to the client platforms 150 of Headings and firewall 152 cannot constitute “a firewall to separate a management network from a data network housing the NPU,” as claimed.

None of the other cited references (e.g. Tamura, Meza, Addington, etc) overcome these deficiencies of Headings. In addition, Applicant respectfully disagrees that the cited references are properly combinable as asserted in the 103 rejection. For at least these reasons, Applicant submits that independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 6-7 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

Independent claim 14 has features similar to those of claim 1 discussed above. Therefore, the Applicant believes that claim 14 is in condition for allowance for at least similar reasons given in support of claim 1. Dependent claims 15 and 20 depend on claim 14 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claims 3-5, 16-17 are rejected under 35 USC §103(a) as being unpatentable over Tamura in view of Headings as applied to claims 2, 9, 15 above, and further in view of Meza (US 7,287,257), hereinafter referred to as Meza. Claims 3-5 depend from independent claim 1 discussed above and hence are allowable at least for depending on an allowable claim in addition to the features they recite. Claims 16-17 depend from independent claim 14 discussed above and hence are allowable at least for depending on an allowable claim in addition to the features they recite.

Claims 21-28 are rejected under 35 USC §103(a) as being unpatentable over Tamura, and further in view of Addington et al. (US 2004/0261126), hereinafter referred to as Addington, further in view of Headings. Independent claim 21 has features similar to those of claim 1 discussed above. Therefore, the Applicant believes that claim 21 is in condition for allowance for at least similar reasons given in support of claim 1. Claims 22-28 depend from independent claim 21 and hence are allowable at least for depending on an allowable claim in addition to the features they recite.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: July 2, 2009

By: William J. Allen/
William J. Allen
Registration No. 51,393
10 S. Wacker Dr., Suite 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001